



February 20, 2015

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## SENATE BILL No. 507

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DIGEST OF SB 507 (Updated February 19, 2015 9:19 am - DI 120)

**Citations Affected:** IC 33-39; IC 33-40.

**Synopsis:** Attorney and judicial discipline complaints. Permits a prosecuting attorney and a county public defender (including a contract public defender) to seek reimbursement from the state for reasonable attorney's fees incurred in defending against a charge of attorney misconduct if: (1) the alleged misconduct relates to the person's official duties or status as a prosecuting attorney or public defender; (2) the charge of misconduct does not result in a sanction (except for a private reprimand); and (3) the attorney general approves the reimbursement.

**Effective:** July 1, 2015.

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**Bray**

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January 14, 2015, read first time and referred to Committee on Judiciary.  
February 12, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 19, 2015, amended, reported favorably — Do Pass.

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SB 507—LS 7100/DI 106





February 20, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 507

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-39-9-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter does not  
3 apply to a threatened, pending, or completed action or a proceeding  
4 that  
5 (1) results in the criminal conviction of ~~or~~  
6 (2) is a disciplinary action or proceeding against;  
7 a prosecuting attorney.  
8 SECTION 2. IC 33-39-9-5 IS ADDED TO THE INDIANA CODE  
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2015]: Sec. 5. (a) The following definitions apply throughout this  
11 section:  
12 (1) "Prosecuting attorney" has the meaning set forth in  
13 IC 33-39-9-3.  
14 (2) "Reasonable attorney's fees" means the usual and  
15 customary fees for work done by a defense attorney who  
16 practices before the disciplinary commission.

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1       (b) A prosecuting attorney may seek reimbursement from the  
2 state for reasonable attorney's fees incurred by the prosecuting  
3 attorney in defending against a charge of attorney misconduct in  
4 a proceeding before the Indiana attorney disciplinary commission  
5 or supreme court, if the following conditions are met:

6       (1) The alleged misconduct:

7           (A) relates to the performance of the official duties of the  
8 prosecuting attorney; or

9           (B) is based on the person's position as a prosecuting  
10 attorney.

11       (2) The final disposition of the charge of attorney misconduct  
12 for which the prosecuting attorney seeks reimbursement does  
13 not result in a sanction that is not a private reprimand against  
14 the prosecuting attorney.

15       (3) The attorney general approves the reimbursement.

16       The attorney general may approve reimbursement in an amount  
17 less than the amount requested by the prosecuting attorney.

18       SECTION 3. IC 33-40-7-13 IS ADDED TO THE INDIANA CODE  
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2015]: Sec. 13. The state may reimburse a public defender,  
21 whether employed on a salaried or contractual basis, in the same  
22 manner and under the same conditions as a prosecuting attorney  
23 may be reimbursed under IC 33-39-9-5.



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 507, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-39-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter does not apply to a threatened, pending, or completed action or a proceeding that

(1) results in the criminal conviction of or

(2) is a disciplinary action or proceeding against; a prosecuting attorney."

Page 1, line 1, delete "SECTION 1. IC 34-13-3-23.5" and insert "SECTION 2. IC 33-39-9-5".

Page 1, line 3, delete "Sec. 23.5." and insert "**Sec. 5.**".

Page 1, delete lines 7 through 9.

Page 1, line 10, delete "(3)" and insert "(2)".

Page 1, line 13, delete "public defender or".

Page 1, line 15, delete "public defender or".

Page 1, line 16, delete "claim" and insert "**charge**".

Page 1, line 16, after "misconduct" delete "," and insert "**in a proceeding before the Indiana attorney disciplinary commission or supreme court,**".

Page 2, line 4, delete "attorney or public defender;" and insert "**attorney;**".

Page 2, line 6, delete "attorney or public defender." and insert "**attorney.**".

Page 2, line 7, delete "claim" and insert "**final disposition of the charge**".

Page 2, line 7, after "misconduct" insert "**for which the prosecuting attorney seeks reimbursement**".

Page 2, line 8, delete "(including" and insert "**that is not**".

Page 2, line 8, delete "reprimand)" and insert "**reprimand**".

Page 2, line 9, delete "attorney or public defender." and insert "**attorney.**".

Page 2, line 12, delete "attorney or" and insert "**attorney.**".

Page 2, delete lines 13 through 27, begin a new paragraph and insert:

"SECTION 3. IC 33-40-7-13 IS ADDED TO THE INDIANA CODE



AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 13. The state may reimburse a public defender employed in a county public defender's office established under this chapter in the same manner and under the same conditions as a prosecuting attorney may be reimbursed under IC 33-39-9-5."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 507 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 507, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, delete "defender" and insert "**defender, whether employed on a salaried or contractual basis,**".

Page 2, delete line 21.

Page 2, line 22, delete "this chapter".

and when so amended that said bill do pass.

(Reference is to SB 507 as printed February 13, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

